

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$53,082,824.19 IN U.S. CURRENCY,

Defendant

No: 19-cv-01930
FILED UNDER SEAL

**BANCO SAN JUAN INTERNACIONAL'S MOTION
TO TREAT THIS MATTER AS A RELATED CASE**

Abbe David Lowell, *Pro hac vice* pending
Eric W. Bloom, *Pro hac vice* pending
Christopher D. Man, *Pro hac vice* pending
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006
(202) 282-5000 (Phone)
(202) 282-5100 (Fax)
adlowell@winston.com

Guillermo Ramos Luiña (USDC-204007)
PO Box 2763, UPR Station
San Juan, PR 00931-2763
(787) 620-0527 (Phone)
(787) 620-0039 (Fax)
gramlui@yahoo.com

*Counsel for Banco San Juan Internacional, Inc.*¹

¹ Co-counsel for BSJI, DLA Piper, was not counsel for [REDACTED] (No. 19-Misc.-163), which is sealed, and is thus not in possession of the materials from that matter referenced in this Motion. For this reason, this brief and its attachments have been prepared by undersigned counsel only.

Pursuant to Local Civil Rule 3A(d), the government, “[u]pon filing” this civil forfeiture action, should have designated it a related case with [REDACTED] Misc. No. 19-mc-163 (PG) (2019).² The civil forfeiture in this case concerns \$53 million in assets belonging to Banco San Juan International (BSJI), [REDACTED]. In the course of investigating its grounds to bring this forfeiture action, the government executed a search warrant at BSJI [REDACTED]

[REDACTED] The government now has brought an enforcement action through this civil forfeiture proceeding and, as the government must have anticipated, BSJI has filed a motion for a suppression hearing.

[REDACTED] The Local Rules Provide for consideration of 3 factors in deciding whether cases are related, and each favors such a related case finding here:

²

[REDACTED] Thus, the case should “be reassigned to the Judge overseeing the case which was filed earliest.” *United States v. Pescatore*, 2006 WL 47451, at *7 (E.D.N.Y. June 5, 2006).

- (1) both actions involve the same parties and are based on the same or a similar claim;
- (2) both actions involve the same property, transaction, or event; or,
- (3) both actions involve similar questions of fact and the same question of law and their assignment to the same district judge is likely to effectuate a substantial saving of judicial effort.

Local Civil Rule 3A(d); *see also Vaqueria Tres Onjitas, Inc. v. River Cubano*, 341 F. Supp. 2d 69 (D.P.R. 2004) (Casellas, J.) (granting defendant's motion for related case designation). [REDACTED]

[REDACTED] *Cf. United States v. Astra Motor Cars*, 352 F. Supp. 2d 370, 373 (E.D.N.Y. 2005) (holding civil forfeiture action and criminal case concerning the same property were related, with consideration of common evidence and issues).

Additionally, treating the cases as related would prevent the government from judge shopping. *Vaqueria Tres Onjitas, Inc.*, 341 F. Supp. 2d at 72-73 (granting defendant's related case motion to prevent judge shopping). Here, the government did not designate this as a related case, [REDACTED] If so, this is the precise type of forum shopping that should be prevented.

CONCLUSION

The Court should assign the case to Judge Pérez-Giménez as a related case.

Dated: October 9, 2019

Abbe David Lowell, *Pro hac vice* pending
Eric W. Bloom, *Pro hac vice* pending
Christopher D. Man, *Pro hac vice* pending
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006
(202) 282-5000 (Phone)
(202) 282-5100 (Fax)
adlowell@winston.com

/s/ Guillermo Ramos Luiña
Guillermo Ramos Luiña (USDC-204007)
PO Box 2763, UPR Station
San Juan, PR 00931-2763
(787) 620-0527 (Phone)
(787) 620-0039 (Fax)
gramlui@yahoo.com

Counsel for Banco San Juan Internacional, Inc.

CERTIFICATE OF SERVICE

I certify that the foregoing was filed on October 9, 2019 with the Clerk of Court using the CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

/s/ Guillermo-Ramos Luiña
Guillermo Ramos Luiña